

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Brian Craig Fitzgerald
Colleen Marie Fitzgerald**
Debtor(s)

Bankruptcy Case No.: 16-10984-TPA
Per December 13, 2016 Proceeding
Chapter: 13
Docket No.: 42 - 17
Concil. Conf.: April 18, 2017 at 10:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 7, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Apr. 18, 2017 at 10:00 AM, in Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: December 19, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Brian Craig Fitzgerald
 Colleen Marie Fitzgerald
 Debtors

Case No. 16-10984-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

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 Total Noticed: 30

Date Rcvd: Dec 19, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 21, 2016.
 db/jdb

14306568	+Brian Craig Fitzgerald, Colleen Marie Fitzgerald, 16469 Route 957, Bear Lake, PA 16402-3733
14306569	+PNC Bank National Association, PO Box 94982, Cleveland, OH 44101-4982
14306570	+Amex, Correspondence, PO Box 981540, El Paso, TX 79998-1540
14306571	+Bank Of America, Nc4-105-03-14, PO Box 26012, Greensboro, NC 27420-6012
14306572	+Chase Card Services, Attn: Correspondence Dept, PO Box 15298, Wilmington, DE 19850-5298
14306573	+Citibank / Best Buy, Centralized Bankruptcy, PO Box 790040, St Louis, MO 63179-0040
14306573	+Citibank / Sears, Citicorp Credit Services, PO Box 790040, Saint Louis, MO 63179-0040
14306573	+Citizens Bank, Attn: Bankruptcy, 443 Jefferson Boulevard, Ms Rjw-135, Warwick, RI 02886-1321
14306574	+Citizens Bank N.A., 1 Citizens Drive Mailstop ROP15B, Riverside, RI 02915-3019
14306575	+Comenity Bank / Bon Ton, 3100 Easton Square Plaza, Columbus, OH 43219-6232
14306576	+Comenity Bank / Peebles, PO Box 182125, Columbus, OH 43218-2125
14306576	+Comenity Bank / Victoria Secret, PO Box 18215, Columbus, OH 43218
14306578	+Discover Personal Loan, 502 East Market Street, Greenwood, DE 19950-9700
14306580	+NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096 (address filed with court: Nationstar Mortgage LLC, 350 Highland Drive, Lewisville, TX 75067)
14306584	+PNC Bank Credit Card, PO Box 5570, Mailstop BR- YB58-01-5, Cleveland, OH 44101-0570
14307631	+PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14306581	+Paul E Landin DMD, 12605 Jackson Run Road, PO Box 597, Sugar Grove, PA 16350-0597
14306582	+PayPay Credit, PO Box 5138, Timonium, MD 21094-5138
14306583	+Pnc Bank, 249 5th Avenue, Suite 30, Pittsburgh, PA 15222-2707
14306590	+Warren General Hospital, Two Crescent Park West, Warren, PA 16365-2199

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14306567	+E-mail/Text: ally@ebn.phinsolutions.com Dec 20 2016 02:00:11 Ally Financial, PO Box 380901, Bloomington, MN 55438-0901
14309843	+E-mail/Text: mrdiscen@discover.com Dec 20 2016 02:00:15 Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
14306577	+E-mail/Text: mrdiscen@discover.com Dec 20 2016 02:00:15 Discover Financial, PO Box 3025, New Albany, OH 43054-3025
14309411	+E-mail/Text: dplbk@discover.com Dec 20 2016 02:01:26 Discover Personal Loans, PO BOX 30954, Salt Lake City, UT 84130-0954
14306579	+E-mail/Text: bnckohlsnotices@becket-lee.com Dec 20 2016 02:00:20 Kohls / Capital One, PO Box 3120, Milwaukee, WI 53201-3120
14306585	+E-mail/PDF: gecsed@recoverycorp.com Dec 20 2016 01:55:29 Synchb / Toys R Us DC, Attn: Bankruptcy, PO Box 103104, Roswell, GA 30076-9104
14306586	+E-mail/PDF: gecsed@recoverycorp.com Dec 20 2016 01:55:02 Synchrony Bank / JCPenneys, PO Box 965064, Orlando, FL 32896-5064
14306587	+E-mail/PDF: gecsed@recoverycorp.com Dec 20 2016 01:55:02 Synchrony Bank / Lowes, PO Box 965064, Orlando, FL 32896-5064
14306588	+E-mail/PDF: gecsed@recoverycorp.com Dec 20 2016 01:55:29 Synchrony Bank / Old Navy, PO Box 965064, Orlando, FL 32896-5064
14306589	+E-mail/PDF: gecsed@recoverycorp.com Dec 20 2016 01:55:02 Synchrony Bank / Sams Club, PO Box 965064, Orlando, FL 32896-5064

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr	NATIONSTAR MORTGAGE LLC
cr*	+DISCOVER PERSONAL LOANS, PO Box 30954, Salt Lake City, UT 84130-0954
cr*	+PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 21, 2016

Signature: /s/Joseph Speetjens

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 30

Date Rcvd: Dec 19, 2016

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 19, 2016 at the address(es) listed below:

Daniel P. Foster on behalf of Joint Debtor Colleen Marie Fitzgerald dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com;anne@ecf.inforuptcy.com
Daniel P. Foster on behalf of Debtor Brian Craig Fitzgerald dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com;anne@ecf.inforuptcy.com
Joshua I. Goldman on behalf of Creditor NATIONSTAR MORTGAGE LLC bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 5